

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:

ALEXIS RAMIREZ ROSADO

DEBTOR

CASE NO.: 22-01853-MCF

CHAPTER 13

MOTION REQUESTING RECONSIDERATION OF DISMISSAL ORDER

TO THE HONORABLE COURT:

COMES NOW, DEBTOR, through the undersigned attorney, and respectfully STATES, ALLEGES AND PRAYS:

1. On October 4, 2022, the Trustee filed a motion to dismiss alleging that the Debtor failed to attend the meeting of Creditors and has failed to make payments under the proposed plan.
2. On November 3, 2022, Debtor filed an extension of time to cure the arrears with the plan and to request a new 341 meeting of creditors. This Honorable Court denied Debtor's extension and dismissed Debtor's case on November 8, 2022.
3. Debtor is requesting this Honorable Court to set aside the dismissal order based on the following:
 - i. Debtor failed to attend the meeting of creditors due to circumstances out of his control, but Attorney Norma Magriniá appeared at the 341 meeting of creditors to excuse the Debtor and to request a new date for the 341 meeting of creditors which was granted by the Trustee.

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- ii. As to the payments, up to this day Debtor should have paid the amount of \$800.00. The Trustee's report on payments shows that Debtor has paid in the amount of \$800.00. On November 7, 2022, prior to the case being dismissed, Debtor had made an electronic payment directly to the Trustee in the amount of \$800.00. Debtor is up to date with the plan.
4. As requested by the Trustee in his report at the 341 meeting of creditors dated October 4, 2022, the Debtor has submitted and filed the following:
 - i. Debtor's Certificate submitted to the Trustee.
 - ii. Amended schedule A/B and amended schedule C to include the value of the property, the 2021 tax refund in the amount of \$90.97 with the claim exemptions.
 - iii. Amended Means Test to clarify that Debtor is single but receives contributions to the household expenses from his consensual partner.
 - iv. Consensual partner paystubs for the months of December 2021 and January 2022.
 - v. Evidence of food stamps (PAN).
 - vi. Amended the plan to include the tax refund language.
5. In view that the Debtor is up to date with the Trustee, has complied with the required documents as requested by the Trustee at the meeting of creditors and has filed the same with this Honorable Court Debtor is requesting this Honorable Court to set aside the dismissal order under Bankruptcy Rule 9024 due the reason stated before.

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“Rule 9024, of the Bankruptcy Rule which applies Rule 60 of the Federal Rules of Civil procedures states that “On motion and upon such terms as are just, the court may relieve a party or a party’s legal representative from final judgment, order or proceeding for the following reasons: (1) mistaken, inadvertence, surprise or excusable neglect... (6) any other reason justifying relief from the operation of the judgment. The motion shall be made within a reasonable time and for reasons (1), (2) and (3) not more than one year after the judgment, order or proceeding was entered or taken”.

6. The relief to the set aside the dismissal order is justified in that the Debtor is up to date with the plan and has file all of the documents requested by the Trustee.
7. No delay or harm and no right will be prejudice to any creditor if this Honorable Court reopens the case and allows Debtor to continue with the bankruptcy procedures.

WHEREFORE, based on the reasons stated, it is respectfully requested from this Honorable Court to set aside the dismissal order dated November 8, 2022.

NOTICE

14 DAYS NOTICE TO ALL CREDITORS AND PARTIES IN INTEREST:
You are hereby notified that you have fourteen (14) days from the date of this notice to file an opposition to the foregoing motion and to request a hearing. If no opposition is filed within the prescribed period of time, the Trustee’s motion will be deemed unopposed and may be granted without further hearing unless (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise. If a timely opposition is filed, the court will schedule a hearing as a contested matter.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY: that on this same date, I electronically filed the above document with the Clerk of the Court using the CM/ECF Filing System which sends notification of such filing to all those who is this case have registered for received for of notice by electronic mail. I further certify that the foregoing has been served to U.S. Trustee at ustpregion21.hrecf@usdoj.gov and by depositing true and correct copies thereof in the United States Mail, postage prepaid, to the non ECF/CM participants: Debtor(s) and parties in interest that have filed notices of appearance, included in the service list attached to the original hereof.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this 10th day, of November of 2022.

/S/Víctor C. Thomas Santiago
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